

## REMARKS

Claims 1-67 are pending. Claims 1, 27-35, 37-42 and 45-46 are amended herein. Support for the claim amendments can be found at least on page 8, lines 17-20, of the instant application.

### Drawings

According to the instant Office Action, Figures 1, 2a and 2b are objected to. Formal drawings, addressing the items raised in the Office Action, are being submitted concurrently with the instant response.

### 102 Rejections

Claims 1-3, 5-7, 12-14, 16, 18-19, 24-32, 35-44, 46-48, 53-55, 57, 59-60 and 65-67 versus Everitt et al.

The instant Office Action states that Claims 1-3, 5-7, 12-14, 16, 18-19, 24-32, 35-44, 46-48, 53-55, 57, 59-60 and 65-67 are rejected under 35 U.S.C. § 102(b) as being anticipated by Everitt et al. ("Everitt;" U.S. Patent No. 5,880,645). The Applicants have reviewed the cited reference and respectfully submit that Everitt does not show or suggest the present invention as recited in Claims 1-3, 5-7, 12-14, 16, 18-19, 24-32, 35-44, 46-48, 53-55, 57, 59-60 and 65-67.

Independent Claims 1 and 42 recite, respectively, a device and system that include "one or more inputs for receiving one or more of said filtered data signal output signals from said controllable analog filter, wherein two or more points are assessed across a bit interval using said error functions" (emphasis added), while independent Claim 27 recites a method that includes

"assessing the performance of one or more of said controllable analog filters according to one or more error functions creating one or more error generator output data signals, wherein two or more points are assessed across a bit interval using said error functions" (emphasis added). Claims 2-3, 5-7, 12-14, 16, 18-19, 24-26, 28-32, 35-41, 43-44, 46-48, 53-55, 57, 59-60 and 65-67 are dependent on either Claim 1, 27 or 42 and recite additional limitations.

Applicants respectfully submit that Everitt does not show or suggest the limitations cited above. Accordingly, Applicants respectfully submit that the basis for rejecting independent Claims 1, 27 and 42 under 35 U.S.C. § 102(b) is traversed and that Claims 1, 27 and 42 are in condition for allowance. As such, Applicants respectfully submit that the basis for rejecting Claims 2-3, 5-7, 12-14, 16, 18-19, 24-26, 28-32, 35-41, 43-44, 46-48, 53-55, 57, 59-60 and 65-67 under 35 U.S.C. § 102(b) is also traversed, as these claims are dependent on allowable base claims and recite additional limitations.

Claims 1-4, 27, 31-34 and 42-45 versus Lee et al.

The instant Office Action states that Claims 1-4, 27, 31-34 and 42-45 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al. ("Lee;" U.S. Patent No. 6,038,266). The Applicants have reviewed the cited reference and respectfully submit that Lee does not show or suggest the present invention as recited in Claims 1-4, 27, 31-34 and 42-45.

Applicants respectfully submit that Lee does not show or suggest a device or system that includes "one or more inputs for receiving one or more

of said filtered data signal output signals from said controllable analog filter, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claims 1 and 42 (emphasis added).

Applicants also respectfully submit that Lee does not show or suggest a method that includes "assessing the performance of one or more of said controllable analog filters according to one or more error functions creating one or more error generator output data signals, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claim 27 (emphasis added). Claims 2-4, 31-34 and 43-45 are dependent on either Claim 1, 27 or 42 and recite additional limitations.

Accordingly, Applicants respectfully submit that the basis for rejecting independent Claims 1, 27 and 42 under 35 U.S.C. § 102(b) is traversed and that Claims 1, 27 and 42 are in condition for allowance. As such, Applicants also respectfully submit that the basis for rejecting Claims 2-4, 31-34 and 43-45 under 35 U.S.C. § 102(b) is also traversed, as these claims are dependent on allowable base claims and recite additional limitations.

Claims 1, 27 and 42 versus Shih et al.

The instant Office Action states that Claims 1, 27 and 42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shih et al. ("Shih," U.S. Patent No. 6,563,889). The Applicants have reviewed the cited reference and respectfully submit that Shih does not show or suggest the present invention as recited in Claims 1, 27 and 42.

Applicants respectfully submit that Shih does not show or suggest a device or system that includes "one or more inputs for receiving one or more of said filtered data signal output signals from said controllable analog filter, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claims 1 and 42 (emphasis added).

Applicants also respectfully submit that Shih does not show or suggest a method that includes "assessing the performance of one or more of said controllable analog filters according to one or more error functions creating one or more error generator output data signals, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claim 27 (emphasis added).

Accordingly, Applicants respectfully submit that the basis for rejecting independent Claims 1, 27 and 42 under 35 U.S.C. § 102(e) is traversed and that Claims 1, 27 and 42 are in condition for allowance.

Claims 1, 9-10, 15, 17, 20-23, 27, 42, 50-51, 56, 58 and 61-64 versus Buchwald et al.

The instant Office Action states that Claims 1, 9-10, 15, 17, 20-23, 27, 42, 50-51, 56, 58 and 61-64 are rejected under 35 U.S.C. § 102(e) as being anticipated by Buchwald et al. ("Buchwald;" U.S. Patent Application Publication No. 2002/0034222). The Applicants have reviewed the cited reference and respectfully submit that Buchwald does not show or suggest the present invention as recited in Claims 1, 9-10, 15, 17, 20-23, 27, 42, 50-51, 56, 58 and 61-64.

Applicants respectfully submit that Buchwald does not show or suggest a device or system that includes "one or more inputs for receiving one or more of said filtered data signal output signals from said controllable analog filter, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claims 1 and 42 (emphasis added). Applicants also respectfully submit that Buchwald does not show or suggest a method that includes "assessing the performance of one or more of said controllable analog filters according to one or more error functions creating one or more error generator output data signals, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claim 27 (emphasis added). Claims 9-10, 15, 17, 20-23, 50-51, 56, 58 and 61-64 are dependent on either Claim 1, 27 or 42 and recite additional limitations.

Accordingly, Applicants respectfully submit that the basis for rejecting independent Claims 1, 27 and 42 under 35 U.S.C. § 102(e) is traversed and that Claims 1, 27 and 42 are in condition for allowance. As such, Applicants also respectfully submit that the basis for rejecting Claims 9-10, 15, 17, 20-23, 50-51, 56, 58 and 61-64 under 35 U.S.C. § 102(e) is also traversed, as these claims are dependent on allowable base claims and recite additional limitations.

### 103 Rejections

#### Claims 8 and 49

The instant Office Action states that Claims 8 and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchwald in view of

“Efficient Least Squares Adaptive Algorithms for FIR Transversal Filtering” (“Glentis-1”). The Applicants have reviewed the cited references and respectfully submit that Buchwald and Glentis-1, alone or in combination, do not show or suggest the present invention as recited in Claims 8 and 49.

Claim 8 is dependent on Claim 1 and recites additional limitations, and Claim 49 is dependent on Claim 42 and recites additional limitations. Hence, by demonstrating that Buchwald and Glentis-1, alone or in combination, do not show or suggest the limitations of Claims 1 and 42, it is also demonstrated that Buchwald and Glentis-1, alone or in combination, do not show or suggest the limitations of Claims 8 and 49.

As presented above, Applicants respectfully submit that Buchwald does not show or suggest a device or system that includes "one or more inputs for receiving one or more of said filtered data signal output signals from said controllable analog filter, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claims 1 and 42. Applicants respectfully submit that Glentis-1 does not overcome the shortcomings of Buchwald. That is, Applicants respectfully submit that Glentis-1, alone or in combination with Buchwald, does not show or suggest the claim limitations cited above.

As such, Applicants respectfully submit that the basis for rejecting Claims 8 and 49 under 35 U.S.C. § 103(a) is traversed, as Claims 8 and 49 are dependent on allowable base claims and recite additional limitations.

### Claims 11 and 52

The instant Office Action states that Claims 11 and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchwald in view of "Fast Adaptive Algorithms for Multichannel Filtering and System Identification" ("Glentis-2"). The Applicants have reviewed the cited references and respectfully submit that Buchwald and Glentis-2, alone or in combination, do not show or suggest the present invention as recited in Claims 8 and 49.

Claim 11 is dependent on Claim 1 and recites additional limitations, and Claim 52 is dependent on Claim 42 and recites additional limitations. Hence, by demonstrating that Buchwald and Glentis-2, alone or in combination, do not show or suggest the limitations of Claims 1 and 42, it is also demonstrated that Buchwald and Glentis-2, alone or in combination, do not show or suggest the limitations of Claims 11 and 52.

As presented above, Applicants respectfully submit that Buchwald does not show or suggest a device or system that includes "one or more inputs for receiving one or more of said filtered data signal output signals from said controllable analog filter, wherein two or more points are assessed across a bit interval using said error functions" as recited in independent Claims 1 and 42. Applicants respectfully submit that Glentis-2 does not overcome the shortcomings of Buchwald. That is, Applicants respectfully submit that Glentis-2, alone or in combination with Buchwald, does not show or suggest the claim limitations cited above.

As such, Applicants respectfully submit that the basis for rejecting Claims 11 and 52 under 35 U.S.C. § 103(a) is traversed, as Claims 11 and 52 are dependent on allowable base claims and recite additional limitations.

Conclusions

In light of the above remarks, reconsideration of the rejected claims is respectfully requested. Based on the arguments presented above, it is respectfully asserted that Claims 1-67 overcome the rejections of record and, therefore, allowance of these claims is solicited.

Applicants have reviewed the references cited but not relied upon. Applicants did not find these references to show or suggest the present claimed invention: U.S. Patent Nos. 5,434,883; 6,088,415; 6,665,337; and 6,823,028.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 5/18/05

William A. Zarbis

William A. Zarbis  
Reg. No. 46,120

Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060